

EXHIBIT 9

Hunters Capital, LLC v. City of Seattle

Carmen Best

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, et al.,)

Plaintiff(s),)

vs.) 20-cv-00983-TSZ

CITY OF SEATTLE,)

Defendant(s).)

VIDEOTAPED VIDEOCONFERENCE
DEPOSITION UPON ORAL EXAMINATION OF
CARMEN BESTWitness located in
Seattle, Washington
(All participants appearing via Zoom videoconference.)DATE TAKEN: NOVEMBER 9, 2021
REPORTED BY: PATSY D. JACOY, CCR 2348

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A P P E A R A N C E S (cont'd)

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1 A. It was Chief Cordner and she's a -- she was
2 our primary -- our primary liaison to the EOC,
3 well-experienced, you know, all of those things. At
4 some point during the day she said, "Hey, they're going
5 to need -- they're asking for an evacuation plan," and
6 I was like, "Okay, well, we -- let's -- you know, let's
7 have a plan but, you know, it's not our intent to leave
8 the precinct." At least at that point it certainly
9 wasn't.

10 **Q. Was Mayor Durkan involved in any of the**
11 **discussions where you said you had, you know, kind of**
12 **pros and cons of moving the barriers and evacuating the**
13 **precinct?**

14 A. She --

15 MR. CRAMER: Objection; form.

16 A. Yeah, she was not physically at the EOC, so,
17 you know, I would -- I'm making a presumption that her
18 staff that was all there was keeping her apprised of
19 everything that was happening.

20 **Q. (BY MS. EAKES) Okay. But did you have any**
21 **meetings directly with the mayor that you can recall**
22 **about the idea of removing the barricades or**
23 **abandoning -- or evacuating the precinct?**

24 A. On that day I just don't -- I don't know that
25 I spoke to her or that I -- that we sat and talked

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1 about it that day. I just --

2 **Q. What about other days?**

3 A. We could have. I certainly was keeping her
4 abreast of what was happening as routinely as I could,
5 so if there was -- if there were things that were
6 happening I would have definitely tried to make sure
7 that she was aware of it.

8 **Q. And did you have any information from the FBI**
9 **about any threats to the precinct?**

10 A. I did.

11 **Q. Can you tell me about that?**

12 A. There was a document that was provided, a
13 confidential form, by the FBI talking about threats to
14 various government facilities up to and including, you
15 know, precincts and other government facilities. I
16 spoke with, you know, our folks about that, you know,
17 and so we were very concerned. They had already at
18 that point I think run a precinct to the ground in
19 Minneapolis, so there was -- but we knew that there was
20 threats not only in Washington, but Oregon and Idaho as
21 well -- maybe not Idaho, but I know Oregon and
22 Washington for sure.

23 **Q. Okay. And did you speak to somebody at the**
24 **FBI also or was it just the confidential document you**
25 **referred to?**

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1 A. At some point I did. Again, the timeline is
2 going to be murky at this point, but at some point I
3 definitely spoke to the SAC, Ray Duda, of the FBI about
4 these potential -- potential threats and verified
5 because there was -- there were people who were
6 questioning the validity of that, something I had never
7 seen before, like the FBI puts out a confidential
8 statement and folks were wondering if, in fact, it was
9 made up or we just -- just pulled it out of the air,
10 but we did not. It was -- and then I actually spoke to
11 the SAC there who verified that and who verified that
12 publicly, I believe, with one of the news stations that
13 there had been threats to the precinct and it was a
14 viable target. We already knew that it had been
15 demonstrated at for several nights on end.

16 **Q. And who was it that was questioning the**
17 **validity of the FBI's information about the threat to**
18 **the precinct?**

19 A. Well, at some point I know that I was on a
20 conference call with the City council, some City
21 councilmembers who wanted to -- you know, who had
22 concerns about where it came from and --

23 **Q. Your light went off?**

24 A. Yeah.

25 **Q. Mine goes off all the time.**

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1 A. Yeah, it goes back on. So about this to --
2 you know, about what that was, and so we just wanted to
3 make sure -- I think I got a -- a phone call from
4 Representative Jayapal asking about, you know, the
5 potential threats, if they were valid, and so I, you
6 know, let her know that they were from my perspective,
7 and that was essentially it. You know, I definitely
8 briefed the mayor on it at some point just to let her
9 know that that was -- that was out there.

10 **Q. Was the mayor or the mayor's office**
11 **questioning the validity of the FBI information about**
12 **the threat to the precinct?**

13 MR. CRAMER: Objection; form.

14 A. Yeah, well, I wouldn't say -- what I can tell
15 you is that I made sure that -- that -- you know, I
16 showed her or talked to her about it, you know, just so
17 that she could rest assured based on what -- you know,
18 that there was no -- that these were actual legitimate
19 threats that we were receiving from the FBI.

20 **Q. (BY MS. EAKES) What was your perception,**
21 **though, in talking to Mayor Durkan about whether or not**
22 **she believed those to be credible threats?**

23 A. Yeah, you know, far be it for me to, you know,
24 try to guess what's going on in the mayor's head. I
25 can just tell you that I just wanted to make sure

16 (Pages 61 to 64)

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MR. CRAMER: Objection to the form.

A. Yeah, you know, I don't know, to be honest with you. I mean, some of these -- as you saw in the gang report, some of these things were, you know, ongoing beefs that had happened, you know, previously. I don't know the -- I don't remember the specifics of this situation and, you know, what -- what the exact circumstances were, but certainly we did know that we were seeing, you know, higher levels of violent crime that were occurring over time.

Q. (BY MS. EAKES) Okay. And up to that point, do you recall, had there been assaults and rapes and other violent crimes that had happened prior to the murder?

MR. CRAMER: Objection; form, asked and answered.

MS. ASHBAUGH: Same objection.

A. Yeah, we -- yeah, there were -- there were a variety of different things that were occurring. I don't remember which date each occurred. I do know that, you know, that as we got further into it, this is only on the 20th, you know, things continued to move along and escalate so we -- you know, until we were able to clear it out.

Q. (BY MS. EAKES) And did the -- did this event,

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A. There was one more death that I recall. I don't remember the number of shootings, to be honest.

Q. Okay. And so from this point, the 20th of June when the first murder happened, until July 1 when there was actually the clearing out, what was happening in terms of the discussions about what, if any, action was going to be taken to shut down the CHOP?

MR. CRAMER: Objection to form.

MS. ASHBAUGH: Object to form.

A. Yeah, you know, to be honest, I don't remember. You know, dates and times at this point, you know, it's in my rearview mirror getting a little murky. I can tell you that there was a increased -- at least on my part an increased level of exigency to -- to remove the CHOP and to do so as efficiently as we could without, you know, loss of life or danger to, you know, anybody as a part of the operational plan.

And so shortly thereafter, and I don't have any dates or -- in hand, but shortly thereafter we were really focused on getting a plan in place to clear it out and to -- you know, and to make sure that we rendered the place as safe as possible.

Q. (BY MS. EAKES) I'm going to shift topics on you and ask you just a little bit about your book that I know just came out.

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the murder, have any impact as far as you could tell on the City's willingness to try to clear the area out?

MR. CRAMER: Objection to form.

MS. ASHBAUGH: Objection to form.

A. I think we were always willing, you know -- speaking from my own perspective, we were always willing to, you know, to clear it out, you know. As you know, it was certainly something that needed to happen. Obviously someone being murdered would exacerbate the sense of urgency that was needed, you know, to -- because things were escalating, so for sure.

Q. (BY MS. EAKES) And -- and just above the part about foreseeable and avoidable it says: But as we discussed at the outset of the Cap Hill issues and as you told the public, there can be no part of the city where SFD and SPD do not respond.

Had the mayor told you whether she believed there should be no area in which the SPD and SFD didn't -- wouldn't respond?

A. Yeah, I don't recall a specific conversation about that either way.

Q. After this one there were then two more shootings, right, and at least one more death as I recall, one or two more deaths?

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A. Okay.

Q. So in your book, did you -- I understand you wrote it with another author, a ghost written; is that right?

A. Yes, a collaborator.

Q. Okay. Collaborator, sorry, wrong term I used there.

A. No worries.

Q. Never written a book. So can you tell me what involvement did the City have in reviewing the manuscript, editing, etcetera?

A. Yeah, I didn't involve the City in it per se, you know. I think I sent one -- one early draft to Becca Boatwright, you know, because she was involved, you know, peripherally on some of the discussion. I just wanted to make sure that there was a level of, you know, accuracy on that and, you know, that was really it. I wasn't asking her from the -- like as -- from the City perspective, but as a person who was involved in that conversation, does this appear to be correct, you know, that kind of a thing. Didn't really involve anybody else in this, you know.

Q. What you sent to Rebecca Boatwright, was that like an entire chapter or was it just a section you wanted her to review and did she edit it?

50 (Pages 197 to 200)

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1 questions going back to your phones and text messages.
 2 Have you learned anything since you handed your phone
 3 in about what might have happened to your text messages
 4 on your City phone?

5 MR. CRAMER: Objection; form.

6 A. No.

7 Q. (BY MS. EAKES) Okay. And do you know if your
 8 assistant might have deleted any messages before you
 9 turned in your phone, any text messages, I should say?

10 MS. ASHBAUGH: Object to form.

11 A. Yeah, not that I'm aware of. You know, no.

12 Q. (BY MS. EAKES) Do you know if it was her
 13 practice to delete things, your text messages from your
 14 phone?

15 A. That was not her practice.

16 MS. EAKES: All right. I think that's
 17 all I have -- that's all I have. Thank you very much
 18 for your time.

19 THE WITNESS: Thank you.

20 MS. EAKES: I don't know if Shane has
 21 any questions. I assume not, but...

22 MR. CRAMER: I have no questions. Thank
 23 you very much for your time, Chief.

24 THE WITNESS: Okay. Thank you all, I
 25 appreciate it.

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1 CERTIFICATE

2
 3 STATE OF WASHINGTON)

4)
 5 COUNTY OF KING)

6 I, Patricia D. Jacoy, a Certified
 7 Shorthand Reporter in and for the State of Washington,
 8 do hereby certify that the foregoing transcript of the
 9 deposition of CARMEN BEST taken on November 9, 2021 is
 10 true and accurate to the best of my knowledge, skill
 11 and ability.



12
 13
 14 *Patricia D. Jacoy*
 15 Patricia D. Jacoy, CSR 2348
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1 MR. CRAMER: Denise, do you want to
 2 reserve signature?

3 MS. ASHBAUGH: Yeah, we're going to
 4 reserve.

5 MS. EAKES: Okay.

6 MR. CRAMER: Thanks, everybody.

7 VIDEO OPERATOR: This concludes the
 8 deposition of Carmen Best. The time now is
 9 approximately 5:08 p.m. Going off the record.

10 (Deposition concluded at 5:08 p.m.)

11 (Reading and signing was requested
 12 pursuant to FRCP Rule 30(e).)
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